

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:
John C. Harvey and
James W. Cuddihy

Appeal No.: 2007-001837

Serial No.: 08/470,571

Filed: June 6, 1995

For: SIGNAL PROCESSING APPARATUS
AND METHODS

Confirmation No.: 7586

Art Unit: 2622

Examiner: David Louis OMETZ

REQUEST TO RETURN APPLICATION TO EXAMINER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Madam:

Appellants have received and reviewed the Decision on Request for Rehearing decided June 24, 2009, (Rehearing Decision) regarding the above identified appeal. The Rehearing Decision modifies the Decision on Appeal decided March 20, 2009. As a result of the Rehearing Decision, the rejections of claims 56-58, 60-63, 65, 66, 73, 89 and 90 remain affirmed by the Board of Patent Appeals and Interferences (Board). Appellants will not appeal the Decision of the Board of March 20, 2009, as modified by the Rehearing Decision of June 24, 2009.

Appellants waive their right to appeal under 35 U.S.C. §§ 141 or 145 (37 C.F.R. §§ 1.301 or 1.303) or otherwise seek review of the decision of the Board. Accordingly, Appellants request that the above identified application be promptly returned to the Examiner under 37 C.F.R. § 41.54 for the cancellation of the claims that remain rejected and the issuance of a Notice of Allowance consistent with the holding of the Board.

Dated: June 26, 2009

Respectfully submitted,

By /Thomas J. Scott, Jr./
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